

Dear FCC,

The definition of a non-common carrier broadband access provider must exclude small hospitality properties which provide free Internet broadband access service. This includes bed&breakfast, small inn, and small boutique or resort properties. These properties provide free to the user High Speed Internet Access or HSIA.

At these small businesses, there is no traditional Internet service provider (ISP) business model revenue stream to cover the equipment and service costs associated with CALEA Packet Mode Intercept compliance. The data networks of such small businesses rarely include equipment for user login authentication and billing. Such gateway and server equipment is typically more expensive than the rest of the networking equipment at the business location. Users of the HSIA amenity are not individually and uniquely identified and there is typically no logging or archive of their connection and usage information. There is also typically no ability to tap into the packet mode stream. Additionally, there are no IT resources at these small businesses to perform CALEA packet mode intercept requests from LEAs.

If such businesses were to be encompassed by CALEA Packet Mode Intercept coverage then they could no longer economically provide free HSIA without incurring a significant expenditure on capital equipment and incurring a loss on the provided service to cover packet mode intercepts. Without the free HSIA amenity, such small businesses would be at a competitive disadvantage to larger businesses in the same market offering the same free HSIA amenity. These larger competitors have more expensive and capable data networks and they have IT resources at their disposal to handle intercepts.

If the scope of the definition of a CALEA covered broadband access provider has grown to encompass these small businesses then the CALEA compliance required equipment asset and service cost burden with no identified cost recovery revenue stream should require a CALEA coverage expansion specific Regulatory Flexibility Analysis on the part of the FCC.

If CALEA does not encompass such businesses then LEAs will not have access to the end user device IP assignment information, or the IP address to device MAC address to guest room or public space correlation information found only in the inexpensive commodity router at such businesses. The ISP providing Internet broadband access to the business will not have that information.

Thanks,

Monroe Pattillo
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